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REMARKS

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Claims 1-3, 5, 7-12, 14-17 and 21-26 are all the claims pending in the application.

In response to the 35 U.S.C. Section 112 rejection, Applicant has amended the claims (see below). Applicant respectfully traverses the prior art rejection based on the following discussion.

I. The 35 U.S.C. 112, Second Paragraph Rejection

In response to the 35 U.S.C. 112 rejections, Applicant, as indicated above has amended claims 1 and 24 consistent with the Examiner's comments.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the drawing objection and the rejections

II. The Prior Art Rejection

Claims 1, 2, 7, 8, 11, 12, 14-16, 21, 22 and 24-26, are rejected under 35 U.S.C. 102(e) as anticipated by Wong, et al. ("Wong") (U.S. 7,025,000). Claims 3, 5, 9, 10, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong as applied to claim 1.

A. The Rejection Based on Wong

Regarding claims 1 and 24, Wong fails to disclose, teach or suggest the features of independent claims 1 and 24, including the first mating surface and the second mating surface are non-continuous surfaces each in a different plane. (See Page 5, line 8-Page 6, line 6; Page 10, lines 10-18; Page 11, line 7-Page 12, line 10; and Figure 1).

Indeed, and as discussed in the previous Amendment of November 22, 2006, Figures 1-5 of Wong merely teach a conventional mechanism for reducing vulnerability of high explosive loaded munitions to unplanned thermal stimuli. In particular, an explosive loaded cartridge 10, in part, includes a threaded fuze adapter 12, a fuze 16, and a projectile body 14. Further, the fuze 16 includes a threaded body 50 with a threaded metal base 42. The projectile body 14 includes a main charge explosive 28 and a threaded opening 32 forward of the main charge explosive 28. Importantly, the threaded fuze adapter 12 is generally a cylindrical ring 200, which includes an interior surface 205 and an exterior threaded surface 210. Accordingly, the threaded metal base 42 is located within a front portion of the projectile body 14 so that the threaded metal base 42 is engaged to the interior surface 205 of the threaded fuze adapter 12 (what the Examiner analogizes to Applicant's adapter) while the exterior threaded surface 210 is engaged to the threaded opening 32 of the projectile body 14.

Indeed, the threaded opening 32 and the threaded metal base 42 (and the related interior surface 205 and exterior threaded surface 210) are situated substantially across from each other in a parallel configuration not offset from each other like the first mating surface 32 and the second mating surface 34 of Applicant's invention. Based on the conventional Wong configuration, and as indicated in Figure 2, a portion of the threaded fuze adapter 12, which is a cylindrical shape, is situated substantially intermediate the threaded metal base 42 and the threaded opening 32 within the projectile body 14 in order to connect the fuze 16 to the projectile body 14.

Contrary to the assertion in the Office Action, the portion of the adapter 12 (including the interior surfaces 205 and the exterior surface 210), which is situated

between the threaded metal base 42 and the threaded opening 32, is more structurally and functionally equivalent to a single, continuous portion clearly and substantially extending the full length of the threaded opening 32 and the threaded metal base 42. This portion of the adapter 12 is not two-distinct portions, that is, a first connectable end and a second connectable end in-line with each other, as arbitrarily defined and separated at a position of the arrows, as suggested. (See Office Action, Pages 2-3, First Section).

To be sure, Wong does not disclose or suggest an adapter 12 with two distinct portions (what the Office Action analogizes to a first connectable end and a second connectable end), and the Office Action does not identify or provide support for such an interpretation in Wong. Indeed, the adapter 12 only includes a single, continuous circular portion where the interior surface 205 is parallel to the exterior surface 210.

Accordingly, Applicant submits, and contrary to the assertion in the Wong patent, that this configuration will encumber and not permit the fuze 16 to separate, effectively, from the projectile body 14 as the portion of the projectile body 14 having the threaded opening 32 would at least hold the fuze 16 in place after the adapter 12 has melted resulting in the warhead still exploding, prematurely. Some of the advantages and benefits of Applicant's invention overcome at least these limitations of Wang. Thus, the Wong configuration is unlike Applicant's claimed invention. (See Wong at Abstract; Column 2, lines 1-50; Column 3, line 25-Column 4, line 65; Figures 1-5; and Office Action, Pages 5-6, Section 9).

In contrast, as discussed above and in the previous Amendment, Applicants' invention includes the first adapter 30 for connecting the warhead 20/102 to the second rocket section including the fuze section 50/104 where, in pertinent part, the first mating

surface 32 and the second mating surface 34 are non-continuous surfaces each in a different plane, whereas Wong only discloses a conventional warhead adapter embedded within the warhead connecting the warhead to the fuze section not extending beyond the warhead section where the adapter 12 only includes a single, continuous portion clearly and substantially extending the full length of the threaded opening 32 and the threaded metal base 42. This adapter 12 is not two-distinct portions where the interior surface 205 and the exterior surface 210 are off-set from each other in different planes.

To be sure, and even under the interpretation in the Office Action asserting that Wong discloses the first connectable end and the second connectible end are in line with each other, this Wong configuration still clearly does not disclose, teach or suggest that the first mating surface and the second mating surface are non-continuous surfaces each in a different plane as claimed by Applicant.

Finally, and for emphasis, an attempt to substitute Wong's fuze adapter 12 configuration, which melts in response to an unplanned thermal stimulus, such as, an exposure to external heat or fire source, but prior to the main charge explosive 28 reaching its auto-ignition temperature, could not be used in place of Applicant's adapter. Indeed, Wong's cylindrical ring fuze adapter and surrounding structural encumbrances, as discussed above, likely prevent proper separation of the warhead and fuze section. Some of the advantages and benefits of Applicant's invention is that the structure is configured so that the adapter 30 melts at a predetermined temperature. As a result, the warhead section 102 structurally separates from the fuze section 104 without any encumberance from the warhead section 102 thereby preventing a premature detonation unlike the projectile body 14 of Wang. Thus, Applicant's invention is structurally and

functionally distinct from the conventional Wong structure. (See Wong at Column 4, lines 36-65; and, for emphasis, Application, Page 8, lines 3-12).

Therefore, Wong does not disclose, teach or suggest including the first mating surface and the second mating surface are non-continuous surfaces each in a different plane. (See above).

Based on the above, Applicant traverses the assertion that Wong discloses or teaches Applicants' invention of independent claims 1 and 24, and related dependent claims 2, 7, 8, 11, 12, 14-16, 21, 22, 25 and 26.

Finally, for at least the reasons outlined above, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, No. 04-1350, 550 U.S. __ (April 30, 2007), Applicant submits that Wong, alone or in combination, does not disclose, teach or suggest, including the first mating surface and the second mating surface are non-continuous surfaces each in a different plane as recited in independent claim 1, and related dependent claims 5, 9, 10, 12 and 17.

III. Formal Matters and Conclusions

In view of the foregoing, Applicants submit that claims 1-3, 5, 7-12, 14-17 and 21-26, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

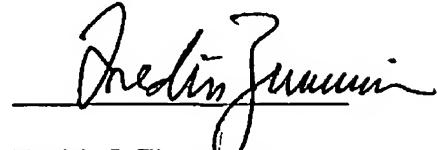
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit

Account Number 50-1114.

Respectfully submitted,

Dated: 10 July 2007



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